

REMARKS

The indication that claim 12 includes patentable subject matter is acknowledged with thanks. In reliance thereon, claim 12 has been amended into independent form. Allowance of amended claim 12 is respectfully requested.

In addition, claim 1 has been amended to include the subject matter of claim 8, claim 4 has been amended into independent form, and new claims 17-18 have been added.

Claim 1 was rejected as anticipated by KILLION 5,577,511. The amendment to claim 1 overcomes this rejection and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2-7 and 9 were rejected as unpatentable over KILLION in view of RACCA EP 0 684 750 A2; claim 8 was rejected as unpatentable over KILLION in view of HOFMAN DE 3133107 A1; claims 10-11 and 13 were rejected as unpatentable over KILLION in view of RICKSON GB 2 184 629 A; claims 14-15 were rejected as unpatentable over KILLION in view of RICKSON and HOFMAN; and claim 16 was rejected as unpatentable over BOUTONNIER et al. FR 2 702 275. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 has been amended to clarify that the "inner" microphone refers to a microphone (M2) that is directed to the

meatus and has a sound inlet (T1) that opens to the closed space of the meatus, such as shown in Figure 1.

In addition, the electronics unit in claim 1 has been further to include analyzing means for generating a noise control signal for active canceling of acoustic noise signals in the meatus by generation of acoustic feedback using a meatus-directed sound generator (SG) based on acoustic signals converted by at least one of the microphones (M1, M2).

It is not believed that the proposed combinations disclose or suggest this arrangement with the meatus-directed microphone and electronics unit as defined in amended claim 1. For example, neither RACCA nor RICKSON discloses the meatus-directed microphone of amended claim 1 and thus the remaining analysis of the claims in the Official Action can no longer be applied to reject the claims.

With regard to claim 4, RACCA discloses a duct (401, Figure 1) which may be provided with "a plug 7, for closing the opening at the external end of the longitudinal through duct 401. The plug 7 can be stably connected to the ogival body 1, for example by means of a flexible connection element 107 such as a string, a small bridge of material, or the like, whereby the danger of accidentally loosing the plug 7 is avoided" (column 5, lines 31-36). Further, RACCA explains with reference to Figure 7 that "the plug 7' is formed by a threaded plug or pin thoroughly occluding the inner cross section of the longitudinal through

duct 401..." (column 5, lines 50-52). From what is explained by RACCA, it is clear that RACCA is disclosing a plug/pin intended for a full blockage of the duct 401. It cannot be seen that RACCA discloses or hints at "a valve" when explaining the function of the plug/pin. Nor does RACCA disclose the function of "opening if the pressure difference between the meatus and the environment of the user exceeds a predetermined limit". Accordingly, claims 4-5 and 8-9 (dependent on claim 4) avoid the rejection under §103.

New claim 17 is believed to be allowable because the references do not disclose a meatus-directed microphone (M2) having a sound inlet (T1) that opens to a closed space of the meatus, an electronics unit (11) coupled to the meatus-directed microphone (M2) and to a power supply (12), where the electronics unit includes noise control means for canceling acoustic noise signals in the meatus by conversion of acoustic signals generated by at least one of the microphones (M1, M2) and using feedback to the sound generator.

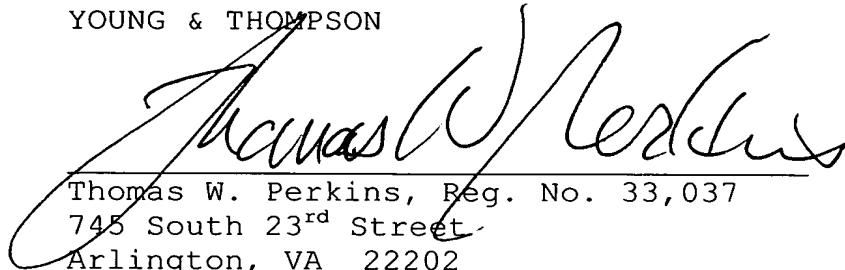
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the fee of \$86.00 for the extra independent claim added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in black ink, appearing to read "Thomas W. Perkins", is written over a blue oval. The signature is fluid and cursive.

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